

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**MICHAEL J. BYNUM AND CANADA
HOCKEY LLC d/b/a EPIC SPORTS**
Plaintiff

v.

BRAD MARQUARDT,
in his individual capacity
Defendant

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CIVIL NO. 4:17-cv-00181

ORDER GRANTING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Before the Court is Defendant Brad Marquardt’s Motion for Summary Judgment. After considering the pleadings, summary judgment evidence and papers on file in this case, the Court finds that the Motion for Summary Judgment should be granted.

On the claims that Defendant violated the Digital Millennium Copyright Act, 17 U.S.C §1202, the Court finds there is no genuine issue of material fact as to the Defendant’s actions and intentions and that the summary judgment evidence demonstrates that he did not violate that statute.

On the claims that Defendant individually violated a copyright, the Court finds there is no genuine issue of material fact and that the actions taken by Defendant were protected under the doctrine of fair use.

On the claims that Defendant’s actions constituted contributory copyright infringement, the Court finds there is no genuine issue of material fact and that Defendant did not intentionally induce or encourage copyright infringement.

Additionally, the Court finds that the summary judgment evidence establishes that Defendant is shielded from liability by qualified immunity.

IT IS THEREFORE ORDERED that summary judgment is entered in favor of Defendant Brad Marquardt, and all claims against Brad Marquardt in this case are DISMISSED with prejudice.

IT IS FURTHER ORDERED that Defendant be awarded reasonable attorneys' fees pursuant to 17 U.S.C. § 1203(b)(5) in an amount to be determined.

Dated: _____

Honorable Andrew S. Hanen
United States District Judge